

AMENDED IN SENATE FEBRUARY 28, 2008

AMENDED IN SENATE JULY 9, 2007

AMENDED IN ASSEMBLY MAY 1, 2007

AMENDED IN ASSEMBLY APRIL 11, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1100

Introduced by Assembly Member Ruskin

February 23, 2007

~~An act to add Section 110806 to the Health and Safety Code, relating to food labeling. An act to amend Section 13139 of the Health and Safety Code, relating to fire safety, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1100, as amended, Ruskin. ~~Food labeling: cloned animals. Portable gasoline containers: safety cans.~~

Existing law requires the State Fire Marshal to approve and list portable gasoline containers that are designed and constructed according to specified child-resistant standards. Existing law prohibits a person from selling, offering for sale, or possessing for sale, on or after April 1, 2008, a portable gasoline container that has not been listed and approved by the State Fire Marshal, except as specified.

This bill would exempt from the above prohibition a safety can that meets the requirements of specified provisions of federal law and, for a can manufactured after June 30, 2008, that contains prescribed language indicating that it is not childproof.

This bill would declare that it is to take effect immediately as an urgency statute.

Existing law provides that food is misbranded if, among other things, it does not bear a label containing specified information. Under existing law, a violation of the provisions relating to the labeling of food products is a crime.

~~This bill would require every livestock producer, as defined, who sells or transfers any cloned animal or its progeny, for the purposes of producing food for human consumption, to a manufacturer or producer of food for human consumption to disclose that the animal is a cloned animal or its progeny. It would also, unless preempted by federal law, require a manufacturer or producer of food for human consumption that sells any food that contains any product from a cloned animal or its progeny to label the food to clearly indicate that the food includes the product of a cloned animal or its progeny, and would impose similar labeling requirements on importers of food products. By creating a new crime, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~yes~~^{no}. State-mandated local program: ~~yes~~^{no}.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13139 of the Health and Safety Code is
2 amended to read:

3 13139. (a) On or before January 1, 2008, the State Fire Marshal
4 shall approve and list portable gasoline containers that are designed
5 and constructed according to one of the following child-resistant
6 standards:

7 (1) Construction and design standards—~~which~~ *that* are
8 substantially the same as the American Society for Testing and
9 Materials (ASTM) F2517-05 standard, issued by ASTM
10 International, or any successor standard issued by ASTM
11 International.

12 (2) Construction and design standards approved by a national
13 testing laboratory recognized by the State Fire Marshal.

(b) No person shall sell, offer for sale, or possess for sale, on or after April 1, 2008, ~~a portable gasoline container~~ *a portable gasoline container* that ~~have~~ *has* not been listed and approved by the State Fire Marshal.

(c) For purposes of this section, “portable gasoline container” means any container or vessel with a nominal capacity of 10 gallons or less *that is* intended for reuse and is designed, ~~or used,~~ sold, advertised, or offered for sale primarily for receiving, transporting, storing, or dispensing gasoline. ~~“Portable fuel containers” gasoline container~~ *“Portable fuel containers” gasoline container* does not include ~~containers either of the following:~~

(1) ~~A container or vessels~~ *vessel* permanently embossed or permanently labeled as described in Section 172.407(a) of Title 49 of the Code of Federal Regulations, as it existed on September 15, 2005, indicating containers or vessels that are solely intended for use with nonfuel or nonkerosene products.

(2) ~~A safety can meeting the requirements of Subpart F (commencing with Section 1926.150) of Part 1926 of Title 29 of the Code of Federal Regulations, as it existed on January 1, 2008. This exception shall not apply to any safety can manufactured after June 30, 2008, unless the can contains a label or silkscreen of the words “NOT CHILDPROOF” in a conspicuous and prominent place against a contrasting background, and printed in at least 12-point type and in both English and Spanish.~~

(d) Retailers are permitted to sell through existing supplies of portable gasoline containers that have not been listed and approved for sale by the State Fire Marshal.

(e) This section shall cease to be applicable if federal fire safety standards for portable gasoline containers that preempt this section are enacted and take effect subsequent to the effective date of this statute and the State Fire Marshal so notifies the Secretary of State.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to promote public safety by ensuring that safety cans mandated for use by federal and state law may continue to be sold in California, it is necessary that this act take effect immediately.

~~SECTION 1. Section 110806 is added to the Health and Safety Code, to read:~~

~~110806. (a) Every livestock producer who sells or transfers any cloned animal or its progeny, for the purposes of producing food for human consumption, to a manufacturer or producer of food for human consumption shall disclose to the manufacturer or producer that the animal is a cloned animal or the progeny of a cloned animal.~~

~~(b) Unless preempted by federal law, a manufacturer or producer of food for human consumption that sells any food that contains any product from a cloned animal or its progeny shall label the food to clearly indicate that the food includes the product of a cloned animal or its progeny.~~

~~(c) An importer of food products from an out-of-state manufacturer or producer shall label those products pursuant to subdivision (b), if the importer has any reasonable knowledge that the imported food product contains any product from a cloned animal or its progeny.~~

~~(d) Any person who purchases or otherwise obtains any food for human consumption that is labeled as containing any product from a cloned animal or its progeny shall retain the label on the food or affix a new label indicating that the food includes the product of a cloned animal or its progeny before that food may be sold to another person.~~

~~(e) For purposes of this section, a cloned animal means an animal that arises directly from a somatic cell nuclear transfer event. Progeny of a cloned animal means an animal derived from the sexual reproduction of a cloned animal with another cloned animal or an animal that is not cloned, or any progeny thereof.~~

~~(f) For purposes of this section, a "livestock producer" engages in the business of animal production that includes, but is not limited to, the birth, raising, feeding, weaning, and identifying of the live animal, and who generally does not engage in the business of preparing any animal food that is derived in whole or in part from any livestock carcass or its products.~~

~~SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within~~

1 ~~the meaning of Section 6 of Article XIII B of the California~~
2 ~~Constitution.~~

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